



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

March 12, 2024

Honorable Police Commission  
City and County of San Francisco  
1245 3<sup>rd</sup> Street, 6<sup>th</sup> Floor West  
San Francisco, CA 94158

Re: Third and Fourth Quarter 2023 Disciplinary Review Board Findings and Recommendations

Dear Commissioners:

On Monday March 4<sup>th</sup>, 2024, at approximately 1430 hours, pursuant to and in compliance with Department General Order 2.04.08, Subsection B, the Disciplinary Review Board (DRB) convened to review aggregate trends appearing in Internal Affairs Division (IAD) and Department of Police Accountability (DPA) cases from the third and fourth quarter of 2023. The meeting was held via Microsoft Teams and the DRB was comprised as follows:

**Voting Board Members**

**Assignments**

- Assistant Chief Denise Flaherty..... Chief of Staff
- Acting Deputy Chief Eric Vintero..... Field Operations Bureau
- Deputy Chief Peter Walsh..... Administration Bureau

**Advisory Board Members**

**Assignments**

- Attorney Sarah Hawkins..... Department of Police Accountability

Also present were Acting Commander Mark Im of the Chief of Staff office, Lieutenant Lisa Springer of the Internal Affairs Division (IAD), Lieutenant Carla Hurley of the Office of Equity and Inclusion (OEI), Sergeant Stacy Youngblood of the Police Commission Office, Sergeant Joseph Minner of the Administration Bureau, and Attorney Diana Rosenstein of DPA.

The Board reviewed the recommendations that were put forth at the previous DRB meeting and attendees provided updates on the progress of those recommendations. All the recommendations were in progress or had been completed.

Lieutenant Springer displayed a PowerPoint presentation to the Board regarding policy and training failure cases from IAD and DPA as well as cases that showed complaint trends identified by both IAD and DPA in the third and fourth quarter of 2023.

For the third quarter IAD's aggregate trends were neglect of duty: body worn camera and neglect of duty: general. DPA identified their third quarter trends as neglect of duty: body worn camera, neglect of duty: failure to appear at the Police Range and conduct unbecoming.

For the fourth quarter, IAD identified their trends as neglect of duty: e-stop and neglect of duty: failure to write/complete incident report. DPA identified their fourth quarter trends as neglect of duty: general, neglect of duty: body worn camera, neglect of duty: failure to appear at the Police Range and conduct unbecoming.

The Board then held a discussion regarding the definition of “aggregate trend” as used by DPA and IAD in DRB meetings. Lt. Springer read some new language that had been drafted regarding the definition. The Board noted that further discussion will be had, but the new language was an improvement to address the request by Chief Scott to update the definition.

IAD and DPA then presented cases that identified policy failures during the third and fourth quarter of 2023.

### **Policy Failure:**

IAD had no cases in the third quarter with a policy failure finding.

DPA had one policy failure case in the third quarter which stemmed from a case that was to be presented and discussed later in the meeting.

IAD had two cases that resulted in a policy failure finding in the fourth quarter.

DPA had one case that resulted in a policy failure finding in the fourth quarter.

### **Training Failure:**

IAD had no cases that resulted in a training failure finding in the third quarter.

DPA had one case that had a training failure finding in the third quarter. This case also had a policy failure finding.

IAD had no cases that resulted in a training failure finding in the fourth quarter.

DPA had no cases that resulted in a training failure finding in the fourth quarter.

### **Internal Affairs Division:**

IAD presented two cases for the third and fourth quarter of 2023 for review and discussion.

The first case involved an officer who established a non-profit organization related to his work with the SFPD. Questions were raised as to what Department members should or should not do while serving on the board of the non-profit. Several violations were noted including Violation of the Department’s Statement of Incompatible activities, inappropriate comments, failure to investigate alleged misconduct and failure to disclose a personal relationship. During the investigation, it was learned the SFPD does not have a Memorandum of Understanding (MOU) with the non-profit.

The second case was regarding officers who were accused of not reporting the use of force and violating Department policy by having a detained subject sit on the ground. The investigation determined there was no reportable use of force as the SFPD and DPA had collaborated to

revise the updated Use of Force policy and shortly after this incident it was rescinded and updated so the control hold the officer used in this incident was not considered a reportable use of force.

.DPA then presented two cases for the third and fourth quarter of 2023.

The first case involved officers conducting a probation search of a residence though they were informed prior to the search the subject was in custody and not present, a violation of established case law. This case law was included in a 2012 Department Bulletin, but the supervisors interviewed in this case could not recall the bulletin. DPA presented this case to highlight a previous DRB recommendation that the Department needs to continue to improve and continually update their Fourth Amendment training for officers.

The second case was an Officer Involved Shooting from 2018 that had policy failure findings. Following this shooting, DPA and the Department worked together to address the pertinent policies with DPA making several recommendations. Two Department General Orders (DGO) were updated with the recommendations from DPA included. One DGO (8.02) has already been adopted by the Police Commission and the second (8.01) is currently pending Meet and Confer with the police union.

After the presentation of the cases, Lt. Carla Hurley of OEI presented her review of disciplinary data to determine if there were any variances or bias in the discipline imposed on officers based upon their demographics. Her analysis found no variances or discrepancies in the imposition of discipline.

After the presentations, the DRB proposed one recommendation.

The recommendation was:

1. ***The SFPD should have a MOU in place with any program that SFPD assigns officers to work with while on duty. These MOUs should clearly define the officer's roles and responsibilities.***

The DRB was unanimous in approval of this memo.

The findings of the Disciplinary Review Board for the third and fourth quarter of 2023 are hereby forwarded for your review and consideration.

Sincerely,



**WILLIAM SCOTT**

Chief of Police